

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JON E. FRUDDEN,

Plaintiff,

vs.

KAYANN PILLING et al.,

Defendants.

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3:11-cv-00474-RCJ-VPC

ORDER

This case arises out of the adoption of a school dress code at a public elementary school. Upon regaining jurisdiction from the Court of Appeals, the Court filed an order requiring Plaintiffs to file a Second Amended Complaint (“SAC”) to identify the objected-to speech and to focus the pleading for further proceedings. Attorney (and former co-Plaintiff) Mary Frudden then timely filed the SAC on behalf of remaining Plaintiff Jon E. Frudden.

Plaintiff objects to the magistrate judge’s minute order (ECF No. 43) permitting Defendants’ counsel to withdraw. The Court perceives the motion as one under Rule 72(a) and cannot find any error in permitting the withdrawal. Nor was it error for the magistrate judge to recognize the association of certain counsel for Defendant Roy Gomm Parent–Faculty Association (the “PFA”). The parties are free to choose their own counsel. If Plaintiff believes certain public attorneys have inappropriately associated themselves as counsel for the PFA pursuant to state law, Plaintiff may presumably file a motion for an extraordinary writ in the state

1 courts. This Court, however, has no jurisdiction to “compel action by a state official,” i.e., to
2 command counsel for the PFA to withdraw pursuant to state statute. *See, e.g., Fierro v.*
3 *MacDougal*, 685 F.2d 261, 262 (9th Cir. 1982) (citing 28 U.S.C. § 1361) (Boochever, J.,
4 concurring in relevant part).

5 **CONCLUSION**

6 IT IS HEREBY ORDERED that the Objection (ECF No. 46) is DENIED.

7 IT IS SO ORDERED.

8 Dated this 23rd day of July, 2014.

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11 ROBERT C. JONES
12 United States District Judge
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